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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,927	06/29/2006	Masao Kimura	40810	2402
53054 7590 11/13/2009 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER ZHOU, HONG				
ART UNIT PAPER NUMBER 2629				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/596,927

Applicant(s)

KIMURA, MASAO

Examiner

HONG ZHOU

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on July 2, 2009, has been entered. Claims 1 and 2 have been amended. Claims 3 and 4 have been cancelled. Claims 6-8 have been added. Claims 1-2 and 5-8 are pending in this application, with claims 1 and 2 being independent claim.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, the specification does not provide support for " wherein the first illumination means further comprises the second and third set of plural illumination means to illuminate the console, and wherein the second illumination means is not the third illumination means" as is now claimed in independent claim 1. In Applicant's Remarks, the Applicant says that support for amended limitation is found in Figs. 1B, 2A-2C and paragraph 0030 of the published application. The Examiner has carefully reviewed the Figs. 1B, 2A-2C and paragraph

0030. However, the examiner has found no disclosure for said above-identified claimed inventions.

Regarding claim 6, the specification does not provide support for “wherein illumination from the plural illumination means is simultaneously directed onto the console and substantially parallel to the vertical axis” as is now claimed in dependent claim 6. In Applicant’s Remarks, the Applicant says that support for claim 6 is found in Fig. 5 and paragraph 0034 of the published application. The Examiner has carefully reviewed the Fig. 5 and paragraph 0034. However, the Examiner has found no disclosure for said above-identified claimed inventions.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sprott et al. (US 5,057,024, hereinafter Sprott).

Regarding claim 2, Sprott discloses a task light comprising: rotatable illumination means (e.g., LED 58 on a rotatable globe 15, see Fig. 1 and Fig. 3; col. 4, lines 17-57) provided approximately at the center in the horizontal direction (e.g., the LED 58 positioned at the illuminating point 54, see Fig. 5) on a display that is rotatable **about a non-horizontal axis** with respect to a console (the globe display is rotatable about a vertical axis with respect to the base of the globe, see Fig. 1); and a rotating means (e.g., globe 15) for rotating the illumination means

(e.g., LED 58) so as to illuminate approximately the entire console (illuminated LED 58 illuminates approximately the entire base), based on the rotational position of the display with respect to the console detected by a detection means (e.g., based on the rotational position of globe with respect to the base detected by a position encoding device, see col. 7, lines 34-40, col. 11, lines 36-46, Fig. 2 and Fig. 10).

Regarding claim 8, Sprott further discloses the task light of claim 2, wherein the non-horizontal axis is vertical with respect to the console (the globe display is rotatable about a vertical axis with respect to the base of the globe, see Fig. 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sprott et al. (US 5,057,024, hereinafter Sprott).

Regarding claim 7, Sportt discloses the task light of claim 2, but does not disclose wherein the illumination means are rotatable about a horizontal axis that is respect to the console and perpendicular to a viewing panel of the display.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have a rotatable globe rotating in any axis that a user may choose so that the

globe can be observed in various directions. In this way, the illumination means can be rotatable about a horizontal axis that is respect to the console and perpendicular to the viewing panel of the display.

8. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (US 2005/0047073) in view of Choi (US 2004/0133817), and further in view of Sprott et al. (US 5,057,024, hereinafter Sprott).

Regarding claim 1, Lo discloses a task light (light sources 150 are provided for illuminating a keyboard 120, see Fig. 1 and [0014]) comprising: plural illumination means (150) aligned in the horizontal direction on a display (130) that is rotatable with respect to a console (display 130 is rotatable and rotates with respect to the keyboard 120 between a closed position covering the keyboard and an opened position exposing the keyboard, see [0013]).

Lo fails to disclose that the display is rotatable about a vertical axis with respect to the console and a detection means for detecting a rotational position of the display with respect to the console; and a lighting means for selectively lighting at least one of the plural illumination means so as to illuminate approximately the entire console, based on the rotational position of the display detected by the detection means, wherein a first rotational position illuminates the console using a first illumination means, wherein a second rotational position illuminates the console using a second illumination means, and wherein a third rotational position illuminates the console with a third illumination means; wherein the first illumination means further

comprises the second and third set of plural illumination means to illuminate the console, and wherein the second illumination means is not the third illumination means.

However, Choi discloses a portable computer (see Fig. 4 and [0056]) comprising a display (20, Fig. 1A) that is rotatable about a vertical axis with respect to a console (see Figs. 1A-1C) and a detection means (position sensor 50, see Fig. 4 and [0057]) for detecting whether the rotational position of the display with respect to the console is in a first rotational position (e.g., the opened position shown in Fig. 1A), a second rotational position (e.g., the display or rotated position (Fig. 1C)). Choi further discloses a controller (40a, Fig. 4) controlling a switch (first switching part 52, Fig. 4) to turn on/off the power source supplied to a screen input part 30 based on the rotational position of the display detected by the position sensor (e.g., turning on the power supply of the screen input part 30 when the display is rotated to the rotated position and turning off the power source of the screen input part 30 when the display is rotated to the opened position, see Fig. 5). Choi teaches that controlling the power source of the screen input part 30 minimizes unnecessary power supplied to the screen input part 30.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Lo with the features of the position sensor and the controller of Choi for detecting a converting rotation of a display between an opened position and a rotated position and controlling the power source of the illumination means based on the detected rotational position of the display. In this way, the power source of the plural illumination means (150) of Lo can be turned on to be selectively lighted for illuminating the keyboard (120) when the display is detected in an opened position in which the display is toward

the keyboard. Also, the power source of the plural illumination means (150) can be turned off when the display is detected in a rotated position in which the display is toward an opposite direction of the keyboard. The motivation for doing so would have been to save power supplied to the illumination means when a user does not need to operate the keyboard.

Lo as modified by Choi discloses the task light of claim 1, wherein the plural illumination means (150) illuminates the console when the display is detected in a first rotational position (e.g., when the display is detected in an opened position in which the display is toward the keyboard), wherein the first illumination means (e.g., the plural illumination means 150) further comprises a second and third set of plural illumination means to illuminate the console, and wherein the second illumination means is not the third illumination means (e.g., the first illumination means 150 comprises a left light source 150, a middle light source and a right light source, wherein the left light source 150 is not the right light source 150, see Fig. 1). However, Lo as modified by Choi does not disclose wherein a second rotational position illuminate the console with the second illumination means and wherein a third rotational position illuminates the console with the third illumination means.

Sprott discloses a task light (array 122 of LED'S 58 for illuminating a globe, see Figs. 1, 3 and 10) wherein a controller (computer 11, Fig. 1) selectively lit the LEDs 58 to illuminate selected regions (col. 10, lines 20-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the invention of Lo as modified by Choi in view of teachings of Sprott to have the controller only turn on the power source of a second light source (e.g., the left light source 150, see Fig. 1 of Lo) when the display is detected in a second rotational position in

which the display is rotated right relative to the keyboard (see Fig. 1B of Choi) and only turn on the power source of a third light source (e.g., the right light source 150, see Fig. 1 of Lo) when the display is detected in a third rotational position in which the display is rotated left relative to the keyboard to illuminate a selected region (e.g., the keyboard 120), because it would reduce the power supplied to the illumination means while allowing a user to use the keyboard to input data as necessary.

Regarding claim 6, Lo further discloses the task light of claim 1, wherein illumination from the plural illumination means is simultaneously directed onto the console and substantially parallel to the vertical axis (see Fig. 1 and [0014]).

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (US, 2005/0047073) in view of Choi (US 2004/0133817) and Sprott et al. (US 5,057,024, hereinafter Sprott), and further in view of Onodera (US 2003/0006958).

Regarding claim 5, Lo as modified by Choi and Sprott discloses the task light of claim 1, but does not disclose wherein the detection means has an at least one mutually opposing conductive member adaptable with a contact metal fitting to correspond to the position of the display.

Onoda discloses a rotation detecting means comprising a photointerrupter 56 and a coding member 54 for detecting a rotation angle of a manipulation knob (see Fig. 9 and [0014]). Onoda further discloses the photointerrupter 56 having two mutually opposing conductive members (light-emitting element 56a and photodetector 56b) adaptable with a contact metal (slits

54c is interposed between 56a and 56b) fitting to corresponding to the position of the manipulation knob (see Figs. 8 and 9; [0013]-[0014] and [0027]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the invention of Lo as modified by Choi and Sprott with the rotation detecting means of Onoda for detecting a rotation position of a display with respect to a keyboard because the rotation detecting means of Onoda provides a low cost position sensor for detecting a position of a display.

Response to Arguments

10. Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments with respect to claim 1 have been fully considered but they are not persuasive.

In page 6 of the Applicant's Remarks, the Applicant argues that Lo as modified by Choi and Sprott does not disclose "wherein a first rotational position illuminates the console using a first illumination means, wherein a second rotational position illuminates the console using a second illumination means, and wherein a third rotational position illuminates the console with a third illumination means; wherein the first illumination means further comprises the second and third set of plural illumination means to illuminate the console, and wherein the second illumination means is not the third illumination means." The Examiner respectfully disagrees with these arguments. As can be seen from Fig. 1 of Lo, Lo clearly discloses a first illumination means (e.g., plural illumination means 150) disposed on a display for illuminating a keyboard

wherein the first illumination means further comprises a second and third illumination means; wherein the second illumination means is not the third illumination means (e.g., (e.g., the first illumination means 150 comprises a left light source 150, a middle light source and a right light source, wherein the left light source 150 is not the right light source 150). Lo does not disclose a first rotational position illuminates the console using the first illumination means, second rotational position illuminates the console using the second illumination means and a third rotational position illuminates the console using the third illumination means.

Choi discloses a portable computer (see Fig. 4 and [0056]) comprising a display (20, Fig. 1A) that is rotatable about a vertical axis with respect to a console (see Figs. 1A-1C) and a detection means (position sensor 50, see Fig. 4 and [0057]) for detecting rotational position of the display with respect to the console, wherein the rotational position comprises a first rotational position (e.g., the opened position as shown in Fig. 1A), a second rotational position and a third rotational position (e.g., the display is rotated left or right relative to the keyboard, see Fig. 1C). Therefore, the invention disclosed by combination of Lo and Choi discloses the first rotational position illuminates the keyboard using the first illumination means. The combination of Lo and Choi does not disclose the second rotational position illuminates the console using the second illumination means and the third rotational position illuminations the console using the third illumination means. However, Sprout discloses a controller (computer 11, Fig. 1) selectively lit the LEDs 58 to illuminate selected regions (col. 10, lines 20-26). Therefore, it would have been obvious to a person of ordinary skill in the art to further modify the invention of Lo as modified by Choi with the features of selectively illuminates the illumination means for selected region as

taught by Sprout for selectively illuminates the detected position so as to reduce the power supplied to the illumination means while allowing a user to use the keyboard to input data.

In response to applicant's argument that one of ordinary skill in the art would not look to an educational, electronic almanac tool when solving issue of illuminating a computer console, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the combination of Lo and Choi is missing only the element of selectively illuminating the illumination means to illuminate selected rotational positions. Since Sprout discloses a controller (computer 11, Fig. 1) selectively lit the LEDs 58 to illuminate selected regions (col. 10, lines 20-26), the teachings of the prior art were then properly combined according to the rules and guidelines set forth by MPEP and the Courts. Thus the Examiner respectfully maintains that the combination of the references is proper.

Conclusion

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HONG ZHOU whose telephone number is (571)270-5372. The examiner can normally be reached on Monday through Friday 8:30 A.M. - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571)272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. Z./
Examiner, Art Unit 2629

/Amare Mengistu/

Art Unit: 2629

Supervisory Patent Examiner, Art Unit 2629